

REMARKS

Summary of Office Action

Claims 1-36 were pending in the application. Of these, claims 13-36 were previously withdrawn from consideration.

Claims 1-6, 8, 13-18, and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shoff et al. U.S. Patent No. 6,240,555 ("Shoff").

Claims 7 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shoff.

Claims 9-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shoff in view of Zavrel U.S. Patent No. 5,812,930 ("Zavrel").

Applicants' Reply

Applicants have amended independent claims 1 and 13 to further define the claimed invention and to include the features of claims 7 and 19 and any intervening claims, and have cancelled claims 7 and 19 without prejudice. The Examiner's rejections are respectfully traversed.

Applicants' amended independent claims 1 and 13 are directed towards a television system and method for enhancing viewing of a television program with interactive information retrieval. A television signal is received including a television program and an address for a data site. The data corresponding to the data site address includes commands for controlling recording of the television program. The data site address is extracted from the television signal by a decoder,

and stored with the information about the television program. Data for an icon representative of the data site address is stored and superimposed over the television program on a display device. The data site address and the information about the television program are retrieved from the memory in response to a user selection. The data corresponding to the data site address is retrieved from the data service provider in response to the user selection. The television program, the data retrieved from the service provider, and the information about the television program are displayed in three non-overlapping regions on the display screen.

The Examiner rejected applicants' previously pending claims, including the features above, under 35 U.S.C. §. 103(a) as being unpatentable over Shoff. More specifically, the Examiner admits that "Shoff discloses all of the limitations of claim 1, but fails to teach that the data corresponding to the data site address comprises commands for controlling recording of a television program" (See Office Action, page 5). The Examiner then takes Official Notice that "it would have been obvious for a person of ordinary skill in the art, to modify the EPG and URL data transmitted to the viewer, as taught by Shoff, using further command data to allow a program to be recorded" (See Office Action, page 6). Applicants respectfully traverse the Examiner's Official Notice.

The Examiner may only take Official Notice of facts outside of the record which are "capable of such instant and unquestionable demonstration as to defy dispute" (MPEP § 2144.03(A)). Applicants respectfully submit that applicants'

support for having a data site address that includes commands for controlling recording of a television program may be found in applicants' provisional Application No. 60/035,029, which was filed on January 8, 1997, and from which priority is claimed. At the time of applicants' invention, which is no later than this date, this functionality was not known. Therefore, applicants traverse the Official Notice at least because it is disputable whether the noticed concept was well-known at the time of applicants' invention. If the Examiner maintains the rejection, applicants respectfully request that the Examiner provide a reference in support of the Official Notice (see MPEP § 2144.03(C)).

Further, it would not have been obvious to modify Shoff at the time of applicants' invention to have a data site address that includes commands for controlling recording of a television program for at least the following reason. Shoff does not teach or suggest any functionality related to recording for viewing at a later time, let alone allow users to do so through a data side address. Thus, Shoff would not want "to save a program that the viewer has missed" as the Examiner suggests, as such an action would destroy the functionality of its supplemental interactive content. Accordingly, one skilled in the art would not have contemplated adding applicants' claimed functionality to Shoff. For at least this reason, applicants respectfully request that the Examiner's rejection of independent claims 1 and 13 be withdrawn.

For at least the foregoing reasons, applicants respectfully submit that independent claims 1 and 13, as amended

are allowable. Accordingly, applicants' dependent claims 2-6, 8-12, 14-18, and 20 are also allowable. For at least the foregoing reasons, applicants respectfully request that the rejection of claims 1-6, 8-18, and 20 be withdrawn. Reconsideration and allowance of this application are accordingly respectfully requested.

Respectfully submitted,

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